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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-----------------|----------------------|-------------------------|------------------|
| 09/511,316 | 02/23/2000 | Yasuyoshi Saito | 0068-0405-0 | 4089 |
| 7 | 7590 11/30/2001 | | | |
| Oblon, Spivak, McClelland, Maier & Neustadt, P.C. | | | EXAMINER | |
| 1755 Jefferson Davis Highway Fourth Floor | | | KOSLOW, CAROL M | |
| Arlington, VA | 22202 | | ART UNIT | PAPER NUMBER |
| | | | 1755 | 16 |
| | | | DATE MAILED: 11/30/2001 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| _ | | 8W-1K | | | | |
|--|---|--|--|--|--|--|
| | Application No. | Applicant(s) | | | | |
| Advisory Action | 09/511,316 | SAITO, YASUYOSHI | | | | |
| navicely nation | Examiner | Art Unit | | | | |
| | C. Melissa Kosłow | 1755 | | | | |
| The MAILING DATE of this communication appe | ears on the cover sheet with the c | orrespondence address | | | | |
| THE REPLY FILED 23 November 2001 FAILS TO PLAC Therefore, further action by the applicant is required to ave final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114. | oid abandonment of this applicated) a timely filed amendment which | ation. A proper reply to a | | | | |
| PERIOD FOR RE | EPLY [check either a) or b)] | | | | | |
| a) The period for reply expires 3 months from the mailing date of this A no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Offictimely filed, may reduce any earned patent term adjustment. See 37 CFR 1.17 (a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Offictimely filed, may reduce any earned patent term adjustment. | Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF THE date on which the petition under 37 CFI extension and the corresponding amount the shortened statutory period for reply cellater than three months after the mail | g date of the final rejection. HE FINAL REJECTION. See MPEP R 1.136(a) and the appropriate extension unt of the fee. The appropriate extension originally set in the final Office action; or | | | | |
| 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. | | | | | | |
| 2. The proposed amendment(s) will not be entered because: | | | | | | |
| (a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below); | | | | | | |
| (b) they raise the issue of new matter (see Note be | · | | | | | |
| (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or | | | | | | |
| (d) they present additional claims without canceling a corresponding number of finally rejected claims. | | | | | | |
| NOTE: <u>See Continuation Sheet</u> . | | | | | | |
| 3. Applicant's reply has overcome the following rejecti | ion(s): the objection to the specifica | <u>ation</u> . | | | | |
| 4. Newly proposed or amended claim(s) <u>15,16,22 and 23</u> would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). | | | | | | |
| 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: | | | | | | |
| 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. | | | | | | |
| 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. | | | | | | |
| The status of the claim(s) is (or will be) as follows: | | | | | | |
| Claim(s) allowed: | | | | | | |
| Claim(s) objected to: 15-18. | | | | | | |
| Claim(s) rejected: <u>13,14 and 19-29</u> . | | | | | | |
| Claim(s) withdrawn from consideration: | | | | | | |
| 8. \boxtimes The proposed drawing correction filed on <u>23 Nover</u> Examiner. | <u>mber 2001</u> is a)⊠ approved or | b) disapproved by the | | | | |
| 9. Note the attached Information Disclosure Statemen | nt(s)(PTO-1449) Paper No(s) | · | | | | |
| 10.⊠ Other: <u>See Continuation Sheet</u> | | | | | | |
| | | C. Melissa Koslow Primary Examiner Art Unit: 1755 | | | | |





Continuation of 2. NOTE: the amendment to claim 17 raises the question of new matter since the examples only support CuO as an additive. The lithium carbonate and tantalum oxide in example 2 were added to produce the niobate ceramic (Li,K,Na)(Nb,Ta)O3. There were not added as additives to (Li,K,Na)(Nb,Ta)O3. The phrase "said blended powder of a niobate" lacks antecedent basis in claims 25 and 30. Also in claim 30, (Li,K,Na)(Nb,Ta)O3 is not a niobate represented by the formula ANbO3.

Continuation of 10. Other: It is noted that the proposed amendment to claim 25 would not overcome the art rejection over JP 55-55589 since claim 25 allows for the additive to be lithium.

Since newly proposed claims 15, 16, 22 and 23 would be allowable if submitted in an amendment canceling claims 13, 14, 19-21 and 25-28, claims 17, 18, 24 and 29, as presented in the amendment of 21 June 2001, would also be allowable.